

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1619

Short Title: Safe Storage of Firearms.

(Public)

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Sponsors: Representatives Hunter, Easterling (Primary Sponsors); Luebke, Melton, and Weiss.

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Referred to: Rules, Calendar, and Operations of the House.

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May 18, 2000

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW REGARDING THE STORAGE OF FIREARMS TO PROTECT MINORS AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-315.1 reads as rewritten:

**"§ 14-315.1. Storage of firearms to protect minors.**

(a) Any person who ~~resides in the same premises as a minor,~~ owns or possesses a ~~firearm,~~ firearm and stores or leaves the firearm (i) in a condition that the firearm can be discharged and (ii) in a manner that the person knew or should have known that an unsupervised minor would be able to gain access to the firearm, is guilty of a Class 1 misdemeanor if a minor gains access to the firearm without the lawful permission of the minor's parents or a person having charge of the minor and the minor:

- (1) Possesses it in violation of G.S. 14-269.2(b);
- (2) Exhibits it in a public place in a careless, angry, or threatening manner;
- (3) Causes personal injury or death with it not in self defense; or
- (4) Uses it in the commission of a crime.

1 (b) Nothing in this section shall prohibit a person from carrying a firearm on his or  
2 her body, or placed in such close proximity that it can be used as easily and quickly as if  
3 carried on the body.

4 (c) This section shall not apply if the minor obtained the firearm as a result of an  
5 unlawful entry by any person.

6 (c1) It shall be an affirmative defense to a prosecution under this section that the  
7 firearm was kept in a locked box or container or equipped with a tamper-resistant  
8 mechanical lock or other safety device, properly engaged so as to render the weapon  
9 inoperable by any person other than the owner or other lawfully authorized user.

10 (d) 'Minor' as used in this section means a person under 18 years of age who is  
11 not emancipated."

12 Section 2. This act becomes effective December 1, 2000, and applies to  
13 offenses committed on or after that date.